

SECOND REGULAR SESSION

HOUSE BILL NO. 1330

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

5307H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 376.2004, RSMo, and to enact in lieu thereof two new sections relating to health benefit exchange navigators.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 376.2004, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 376.2004 and 376.2013, to read as follows:

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the director shall find that the individual:

- (1) Is eighteen years of age or older;
- (2) Resides in this state or maintains his or her principal place of business in the state;
- (3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;
- (4) Has successfully passed the written examination prescribed by the director;
- (5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;
- (6) Has identified the entity with which he or she is affiliated and supervised; [and]
- (7) **Filed with the director, and maintains during the term of the license, in force and unimpaired, a bond in an amount no less than one hundred thousand dollars from an insurer authorized to do business in this state to protect all persons against the wrongful**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 acts, misrepresentations, errors, omissions, or negligence of the navigator. No bond shall
19 be terminated by the bond issuer unless at least thirty days' prior written notice is given
20 to the navigator and director; and

21 (8) Has paid the fees prescribed by the director.

22 2. An entity that acts as a navigator, supervises the activities of individual navigators,
23 or receives funding to perform such activities shall obtain a navigator entity license. An entity
24 applying for an entity navigator license shall make application on a form containing the
25 information prescribed by the director.

26 3. The director may require any documents deemed necessary to verify the information
27 contained in an application submitted in accordance with subsections 1 and 2 of this section.

28 4. Entities licensed as navigators shall, in a manner prescribed by the director, provide
29 a list of all individual navigators that are employed by or in any manner affiliated with the
30 navigator entity and shall report any changes in employment or affiliation within twenty days of
31 such change.

32 5. Prior to any exchange becoming operational in this state, the director shall prescribe
33 initial training, continuing education, and written examination standards and requirements for
34 navigators.

376.2013. It shall be unlawful for any navigator to release personal identifying
2 information obtained in the course of their duties as a navigator to any party other than
3 to the department of social services, the department of insurance, financial institutions and
4 professional registration, or any federal agency or other entitled entity as required by 42
5 U.S.C. 18083. Any person whose personal identifying information is released in violation
6 of this section shall be entitled to bring an action for damages and for such equitable relief,
7 including an injunction, as the court deems necessary and proper. If the court finds for
8 the plaintiff, recovery shall be in the amount of actual damages or fifty thousand dollars,
9 whichever is greater. In addition, a prevailing plaintiff shall be awarded court costs and
10 reasonable attorney's fees, as determined by the court.

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